

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT KNOXVILLE

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
v.)	No. 3:19-CR-125-TAV-HBG
)	
RODOLFO TORRES,)	
)	
Defendant.)	

MEMORANDUM AND ORDER

All pretrial motions in this case have been referred to the undersigned pursuant to 28 U.S.C. § 636(b) for disposition or report and recommendation regarding disposition by the District Court as may be appropriate. This case is before the Court on the Defendant's Unopposed Motion to Extend the Deadline for Filing Motions and to Continue Trial Date [Doc. 12], filed on September 4, 2019. The parties appeared for a scheduled pretrial conference and motion hearing on October 1, 2019. Assistant United States Attorney Alan Scott Kirk appeared on behalf of the Government. Attorney T. Scott Jones represented Defendant Torres, who was also present and participated with the aid of an interpreter.

Defendant Torres asks the Court to continue the October 15, 2019 trial date and the pretrial deadlines in this case. He states that his counsel are familiarizing themselves with the case and need additional time to complete their review of discovery, to confer with the Defendant, to investigate the case, and to prepare the case for trial. The Defendant waives his speedy trial rights in relation to the motion. The motion relates that the Government does not object to an extension of the motion deadline and a continuance of the trial date.

At the motion hearing, Mr. Jones stated that the Defendant intends to file a pretrial motion, the ultimate outcome of which affects the Defendant's approach in this case. He said that he needed additional time to file and litigate the motion. Mr. Jones requested a forty-five-day extension of the motion deadline. He confirmed that Defendant Torres is waiving his speedy trial rights in relation to the requested continuance. AUSA Kirk stated that the Government does not oppose the request.

The Court finds the Defendant's motion to continue the trial and to set a new schedule for pretrial motions to be well-taken and unopposed. The Court also finds that the ends of justice served by granting a continuance outweigh the interest of the Defendant and the public in a speedy trial. 18 U.S.C. § 3161(h)(7)(A). Counsel for Defendant Torres needs time to complete his review of discovery and to file a pretrial motion. Counsel requested a forty-five-day extension of the motion deadline to November 14, 2019. Mr. Jones stated that a hearing on the motion will be necessary. The Court finds that litigation of a future motion requires a trial continuance. The Court scheduled a motion hearing on December 18, 2019, at 9:30 a.m. After the Court rules on the motion, the parties will need time to prepare the case for trial. The Court finds that the filing and litigation of a pretrial motion cannot take place in the two weeks before the October 15 trial date or in less than five months. Accordingly, the Court finds that the failure to grant the requested continuance would deprive defense counsel of the reasonable time necessary to prepare effectively for trial, even taking into account counsel's acting with due diligence. 18 U.S.C. § 3161(h)(7)(B)(iv).

The Defendant's motion [**Doc. 12**] to continue the trial and other deadlines is **GRANTED**. The trial of this matter is reset to **March 3, 2020**. The Court also finds that all the time between the filing of the motion to continue on **September 4, 2019**, and the new trial date of

March 3, 2020, is fully excludable time under the Speedy Trial Act for the reasons set forth herein. *See* 18 U.S.C. § 3161(h)(1)(D) & -(7)(A)-(B). With regard to other scheduling in this case, the motion deadline is reset to **November 14, 2019**. Responses to motions are due on or before **December 2, 2019**. The parties are to appear before the undersigned for a hearing on all pending pretrial motions on **December 18, 2019, at 9:30 a.m.** A final pretrial conference before the undersigned is scheduled for **February 18, 2020, at 10:30 a.m.** This date is also the new deadline for filing a plea agreement, for filing motions *in limine*, and for providing reciprocal discovery. The parties must submit any special requests for jury instructions to the District Judge no later than **February 21, 2020**. Special requests for jury instructions must be supported by citations to authority pursuant to Local Rule 7.4.

Accordingly, it is **ORDERED**:

- (1) The Defendant's Unopposed Motion to Extend the Deadline for Filing Motions and to Continue Trial Date [**Doc. 12**] is **GRANTED**;
- (2) The trial of this matter is reset to commence on **March 3, 2020, at 9:00 a.m.**, before the Honorable Thomas A. Varlan, United States District Judge;
- (3) All time between the filing of the Defendant's motion to continue on **September 4, 2019**, and the new trial date of **March 3, 2020**, is fully excludable time under the Speedy Trial Act for the reasons set forth herein;
- (4) The motion deadline is reset to **November 14, 2019**;
- (5) Responses to motions are due on or before **December 2, 2019**;
- (6) The Court will hold a motion hearing on all pending pretrial motions on **December 18, 2019, at 9:30 a.m.**;
- (7) The parties are to appear before the undersigned for a final pretrial conference on **February 18, 2020, at 10:30 a.m.** This date is also the deadline for filing a plea agreement or for filing motions *in limine*, and providing reciprocal discovery; and

(8) Special requests for jury instructions, supported by citations to authority, shall be submitted to the District Judge on or before **February 21, 2020**.

IT IS SO ORDERED.

ENTER:


United States Magistrate Judge